



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,091	10/06/2000	Cristian M. Hera	17556-057	1402

30623 7590 01/22/2004

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

WAHBA, ANDREW W

ART UNIT	PAPER NUMBER
----------	--------------

2661

2

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,091

Applicant(s)

HERA ET AL.

Examiner

Andrew W Wahba

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 3, 6, 7, 8, 11, 12, 13, 14, 16, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9, 10, 15, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 6, 7, 8, 11, 12, 13, 14, 16, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersen et al. With respect to claims 1, 6, 12, and 16, Andersen et al discloses a conference bridge for packet speech signal networks. The conference bridge receives a plurality of speech signals in the form of data packets. This step corresponds to the applicant's receiving of N encoded speech signals. Andersen et al proceeds to determine if one speech signal is louder than the others in the case that more than one person is speaking. The loudest speech signal is selected (column 5, lines 6-10 and Fig 4). This step corresponds to the applicant's selection of L channels. Andersen et al then replicates the selected signal, but does not send the signal to the originator to prevent echo (column 5, lines 59-63). This step corresponds to the applicant's production of at least N minus L sets of signals similar to the L signals.

Art Unit: 2661

With respect to claim 2, 7 and 17, Andersen et al determines the loudest speech signal by comparing energies (column 5, lines 6-10).

With respect to claims 3, 8, 13, and 18, Andersen et al does not send the signal to the originator to prevent echo (column 5, lines 59-63).

With respect to claim 11 and 14, the selected number of channels is one in the Andersen et al patent (column 5, lines 43-47).

3. Claims 1, 2, 3, 6, 7, 8, 11, 12, 13, 14, 16, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Weller. With respect to claims 1, 6, 12 and 16, Weller discloses a method to provide a conference call. Weller presents a conference call system that reads PCM samples for incoming channels (column 7, lines 53-57 and Fig 5). The PCM channels correspond to the applicant's N encoded speech signals. Weller then selects the N loudest channels in an array (column 8, lines 32-36). This step corresponds to the applicant's selection of L channels. Weller then sums the N loudest samples to form the conference information and subtracts the current sample for each of the N loudest channels (column 8, lines 38-49). This step corresponds to the applicant's production of at least N minus L sets of signals similar to the L signals.

With respect to claim 2, 7 and 17, Weller determines the N loudest by comparing energies (column 8, lines 7-21).

With respect to claims 3, 8, 13, and 18, Weller subtracts the current sample for each of the N loudest channels (column 8, lines 44-49).

With respect to claims 11 and 14, the Weller patent allows the selected number of channels to be one.

Art Unit: 2661

Allowable Subject Matter

Claims 4, 5, 9, 10, 15, 19, and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

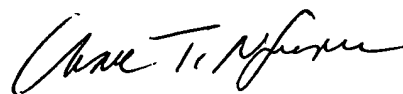
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Wahba *AW*

January 12, 2004



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600